

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO CHILD)
SUPPORT GUIDELINES, (I.C.S.G.) IN THE) ORDER AMENDING
IDAHO RULES OF CIVIL PROCEDURE,) RULES
(I.R.C.P.) AMENDMENTS TO SECTIONS)
6(a), 8 and 11)
_____)

The report of the annual meeting of the Child Support Guidelines Committee having been submitted to the Court recommending changes in the content and substance of the Child Support Guidelines, and the Court having fully considered the same;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Child Support Guidelines (I.C.S.G.), as they appear in the Idaho Rules of Civil Procedure (I.R.C.P.) in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That Section 6(a) of the Child Support Guidelines in Rule 6(c)(6) of the Idaho Rules of Civil Procedure (I.R.C.P.) be, and the same is hereby, amended to read as follows:

Section 6. Guidelines Income Determination – Income Defined. For purposes of these Guidelines, Guidelines Income shall include: (a) the gross income of the parents and (b) if applicable, fringe benefits and/or potential income; less adjustments as set forth in Section 7.

(a) Gross Income Defined.

(1) Gross income.

(i) Gross income includes income from any source, and includes, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, pensions, interest, trust income, annuities, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, alimony, maintenance, any veteran's benefits received, education grants, scholarships, other financial aid and disability and retirement payments to or on behalf of a child calculated per Section 11. ~~The court may consider when and for what duration the receipt of funds from gifts, prizes, net proceeds from property sales, severance pay, and judgments will be considered as~~

available for child support. Benefits received from public assistance programs for the parent shall be included except in cases of extraordinary hardship. Child support received is assumed to be spent on the child and is not income to the parent. Payments received as a result of the child's disability are not income of either parent.

2. That Section 8 of the Child Support Guidelines in Rule 6(c)(6) of the Idaho Rules of Civil Procedure (I.R.C.P.), including the example, be, and the same is hereby, amended to read as follows:

Section 8. Adjustments to the Basic Child Support.

(e) **Disability dependency benefits or retirement dependency benefits.**

(1) Any disability dependency benefits or retirement dependency benefits paid to a child support recipient for the benefit of a child due to the disability or retirement of a parent obligated to pay support for the child should be considered in determining a child support award. Unless otherwise stipulated by the parties, the court should order the support payment be reduced by the amount of any dependency benefits paid to the support recipient. Under no circumstances shall the obligated parent be entitled to the reimbursement of any dependency benefits that exceed the support payment amount. Any payments due to the disability of the child shall not be credited against the support obligation of the obligated parent.

3. That Section 11 of the Child Support Guidelines in Rule 6(c)(6) of the Idaho Rules of Civil Procedure (I.R.C.P.) be, and the same is hereby repealed in its entirety as follows:

~~**Section 11. Disability and Retirement Benefits Paid to Child.** When disability dependency benefits or dependency retirement benefits are paid on behalf of or on account of the child or children of a disabled or retired person, the amount of compensation paid for the children shall be treated for all purposes as if the disabled or retired paying parent paid the compensation toward satisfaction of the child support obligation award and the amount paid shall be included in the Guideline Income of the paying parent. If the amount paid to the children exceeds the current child support obligation of the disabled or retired person, such excess shall be credited against any child support in arrearage accruing after disablement or retirement, but such excess shall not be credited against any future child support obligation. However, under no circumstance shall the disabled or retired person receive reimbursement or payment of any part of such excess above~~

~~the current child support obligation. Payments received as a result of the child's disability are not income of either parent.~~

IT IS FURTHER ORDERED, that this order and these amendments shall be effective the first day of July, 2010.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Child Support Guidelines (I.C.S.G.).

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

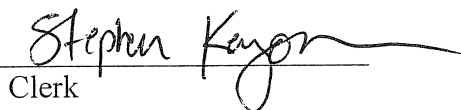
DATED this 13 day of April, 2010.

By Order of the Supreme Court



Daniel T. Eismann, Chief Justice

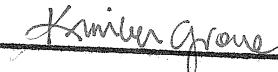
ATTEST:


Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 4/14/10

STEPHEN W. KENYON

Clerk

By:  Deputy